

- SUBJECT:** Adding certain synthetic compounds to the Controlled Substances Act
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 9 ayes — Herrero, Carter, Burnam, Canales, Hughes, Leach, Moody, Schaefer, Toth
- 0 nays
- WITNESSES:** For — Loyd Bullock, Lubbock Police Department; Brandy Callahan, City of Borger, City Council Member Place 1; Azell Carter, Pasadena Police Department Regional Crime Laboratory; April Gibbs; (*Registered, but did not testify:* Kippy Caraway, City of Houston; Lon Craft, TMPA; Mark Israelson, City of Plano; James Jones, San Antonio Police Department; Tony Privett, City of Lubbock; David Reynolds, Texas Medical Association; Steven Tays, Bexar County Criminal District Attorney’s Office)
- Against — (*Registered, but did not testify:* Victor Cornell, American Civil Liberties Union of Texas)
- On — (*Registered, but did not testify:* Skylor Hearn, Texas Department of Public Safety)
- BACKGROUND:** Health and Safety Code, ch. 481 is the Texas Controlled Substances Act. It categorizes illicit substances into penalty groups and provides specific penalties. It allows prosecution of some controlled substance analogues that have a chemical structure substantially similar to that of an illicit substance, if the analogue is designed to produce an effect substantially similar to the illicit substance.
- DIGEST:** CSHB 1333 would include within the definitions of “controlled substance” and “controlled substance analogue” the 2-A penalty group, which governs synthetic cannabinoid substances. This penalty group would also be listed among the groups that, for the purposes of prosecution, include controlled substance analogues that are structurally and symptomatically similar to illicit compounds.

The bill would add twenty-two chemical structures to penalty group 2,

which governs hallucinogenic substances, isomers, and salts. Benzoylindoles and numerous derivations of six chemical compounds would be added to penalty group 2-A.

The bill would apply to offenses committed on or after September 1, 2013.

The bill would take effect September 1, 2013.

**SUPPORTERS  
SAY:**

CSHB 1333 would help law enforcement agencies keep pace with the rapidly evolving “designer drug” market. Synthetic drugs that mimic the effects of illegal controlled substances are increasingly common, and drugs known as “bath salts” and “incense” are especially problematic. These substances have been known to cause violent outbursts, hallucinations, seizures, heart attacks, and death. By adding to the list of illegal controlled substances and expanding the types of controlled substance analogues that could be prosecuted, this bill would give law enforcement agencies the necessary tools to fight these dangerous, deadly drugs.

**OPPONENTS  
SAY:**

CSHB 1333 would contribute to the over-criminalization of drug offenses. Although some of these drugs can cause violent outbursts, this reaction is relatively rare. By adding numerous compounds and analogues to the Controlled Substances Act, this bill could result in more arrests and incarcerations, flooding courts and jails with non-violent offenders.